

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

JENNIFER CHARD,

Plaintiff,

v.

Case No. 2:21-cv-285-JLB-NPM

COMMISSIONER OF SOCIAL  
SECURITY and UNITED STATES  
ATTORNEY,

Defendants.

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**ORDER**

Before the Court is Defendant's Opposed First Motion for Stay of Proceedings (Doc. 10) and Plaintiff's Response (Doc. 11). In this Social Security case, Defendant requests the Court stay the proceedings for ninety days or until such time as the Agency regains capacity to produce a certified transcript of the administrative record necessary to draft an answer and adjudicate the case. (Doc. 10, p. 1). Due to the current situation in this country, Defendant represents the Agency has transitioned to a telework environment but encountered difficulties that impact the operations of the Social Security Administration's Office of Appellate Operations. (Doc. 10, pp. 1-4). Defendant has implemented new measures but continues to be backlogged. (Doc. 10, pp. 1-4).

As Plaintiff observes in opposition, Defendant claims the average time to process a certified administrative record is 138 days but seeks 150 days here without explanation. (Doc. 11, p. 1). Plaintiff also argues Defendant should advance the present case over cases in which the claimant does not oppose a stay. (Doc. 11, p. 2). Or alternatively, Plaintiff asks that Defendant be required to file an answer by July 23, 2021. (Doc. 11, p. 2).

A court has broad discretion whether to stay a proceeding “as an incident to its power to control its own docket.” *Clinton v. Jones*, 520 U.S. 681, 706-707 (1997). The court must weigh the benefits of the stay against any harms of delay. *Id.* at 707. Here, the Commissioner has provided good cause to extend the deadline to file the certified transcript and answer. But the Court finds a ninety-day extension would cause undue delay. The Court will extend the deadline to file the certified transcript and answer by sixty days.

A stay of the proceedings is unnecessary, and so the “Opposed First Motion for Stay of Proceedings” (Doc. 10) is **DENIED**. Instead, the Court extends the deadline for Defendant to file a certified transcript and answer to **August 20, 2021**.

**ORDERED** in Fort Myers, Florida on July 8, 2021.

  
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NICHOLAS P. MIZELL  
UNITED STATES MAGISTRATE JUDGE